

REMARKS

Claims 1-20 are all the claims pending in the application. By this Amendment, Applicant adds new claims 16-20.

Claims 1-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuchiya *et al.* (U.S. Patent No. 5,346,217; hereinafter “Tsuchiya”) in view of Motomiya (U.S. Patent No. 4,438,931; hereinafter “Motomiya”), Hoshi (U.S. Patent No. 5,205,560; hereinafter “Hoshi”), Tsuchida (U.S. Patent No. 5,255,913; hereinafter “Tsuchida”), Kusumoto (U.S. Patent No. 6,634,958; hereinafter “Kusumoto”), Murphy (U.S. Patent No. 6,332,847; hereinafter “Murphy”), Dekura (U.S. Patent No. 5,538,246; hereinafter “Dekura”) and Imai (U.S. Patent No. 6,056,649; hereinafter “Imai”). Applicant submits the following in traversal.

Rejection of Claims 1-15 under §103(a) over Tsuchiya in view of Motomiya, Hoshi, Tsuchida, Kusumoto, Murphy, Dekura and Imai

In the Office Action, the Examiner continues to reject claim 1 based on the combined teachings of Tsuchiya in view of Motomiya, Hoshi, Tsuchida, Kusumoto, Murphy, Dekura and Imai. Specifically, the Examiner argues that Kusumoto and Murphy, and newly cited references, Dekura and Imai, disclose the claimed intersection angle between the crown portion and the side portion being larger than 90 degrees. Applicant respectfully disagrees.

The Federal Circuit has held that “it is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue.” See Hockerson-Halberstadt, Inc. v. Avia Group Int'l, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000) (cited in MPEP 2125).

In the Office Action, it appears that Figs. 6A, 6B and 6C of Kusumoto, Fig. 5 of Murphy and Fig. 1 of Dekura and Imai are being relied on as allegedly disclosing the claimed intersection angle. The specifications of Kusumoto, Murphy, Dekura and Imai, however, are completely silent on any sort of an intersection angle between a crown and a side portion, and thus, it is impermissible to rely on the drawings of Kusumoto, Murphy, Dekura and Imai, as disclosing or even suggesting the claimed intersection angle.

On page 8 of the Office Action, it is noted that “no mention or reasoning whatsoever has been provided by the applicant in his remarks for explaining why the requirement that an intersection angle of larger than 90 degrees exist between the crown portion and the side portion is so important.” Therefore, “one of ordinary skill in the art would not even have to consider what the purpose of this feature is in any of the Kusumoto, Murphy, Dekura and Imai references,” according to the Office Action.

Applicant respectfully submits that the claimed golf club head wherein “an intersection angle between the crown portion and the side portion is larger than 90 degrees,” is an inventive and useful aspect of the Applicant’s invention. Applicant points out page 5, lines 14-18 of the specification which describe an exemplary embodiment of the invention, which explains that “[i]n order to perform casting or the like easily, an intersection angle between the crown portion 11 and the upper side portion 12 is larger than 90 degrees.”

With the above, the intersection angle as claimed is at least useful and, therefore, the Examiner must consider this aspect of the claims and provide clear motivation which explains why one skilled in the art would modify the teachings of Tsuchiya with Motomiya, Hoshi, Tsuchida, Kusumoto, Murphy, Dekura and Imai.

Claims 2-6, which depend from claim 1, are patentable for at least the reasons submitted for claim 1.

Claims 7 and 13-15 are patentable for reasons similar to those submitted for claim 1.

Claims 8-12, which depend from claim 7, are patentable for at least the reasons submitted for claim 7.

Applicant submits that claim 14 is patentable because the cited references do not disclose or suggest a hollow golf club head wherein the sole portion and the side portion are made of titanium alloy of Ti-6Al-4V and are molded by casting, and wherein the sole portion is thicker than the lower side portion, in combination with other elements of the claim. On page 5 of the Office Action, the Examiner cites column 9, line 11 through column 10, line 2 of Tsuchiya as allegedly disclosing such claimed features. Applicant respectfully submits that the Examiner is incorrect because the cited portions of Tsuchiya merely disclose “at least **a part of said face** being made of Ti alloy of a composition which contains 3 to 6% by weight of Al, 2 to 4% by weight of V, 1 to 3% by weight of Mo. 1 to 3% by weight of Fe and Ti in balance.” No mention is made of the sole or the side portions of Tsuchiya as being made of the disclosed composition.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/ S. Stuart Lee /

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

65565

CUSTOMER NUMBER

S. Stuart Lee
Registration No. 61,124

Date: February 15, 2008